

CALENDAR ITEM

C45

A 26

08/24/06

PRC 5162 WP 5162.9

S 14, 5

B. Terry

GENERAL LEASE - PUBLIC AGENCY USE

APPLICANT:

Wetherbee Lake Reclamation District 2096

AREA, LAND TYPE, AND LOCATION:

0.27 acres, more or less, of tide and submerged lands in Walthall Slough, near Lathrop, San Joaquin County.

AUTHORIZED USE:

Continued use and maintenance of three existing speed control buoys to post speed limit and minimize boat wakes in the area.

LEASE TERM:

15 years, beginning August 1, 2006.

CONSIDERATION:

The public health and safety; with the State reserving the right at any time to set a monetary rent if the Commission finds such action to be in the State's best interest.

OTHER PERTINENT INFORMATION:

1. Applicant is permittee of the uplands adjoining the lease premises.

2. On August 26, 1976, the Commission authorized a 25-year General Lease – Public Agency Use to Wetherbee Lake Reclamation District 2096. That lease subsequently expired. The Wetherbee Lake Reclamation District 2096 is now applying for a new lease.

The County of San Joaquin adopted a resolution on August 26, 1975, designating portions of Walthall slough as a slow area for boating.

3. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), the

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staff has determined that this activity is exempt from the requirements of the CEQA as a categorically exempt project. The project is exempt under Class 1, Existing Facilities; Title 2, California Code of Regulations, section 2905 (a)(2).

Authority: Public Resources Code section 21084 and Title 14, California Code of Regulations, section 15300 and Title 2, California Code of Regulations, section 2905.

4. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code sections 6370, et seq. Based upon the staff's consultation with the persons nominating such lands and through the CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

EXHIBIT:

- A. Site and Location Map

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 AS A CATEGORICALLY EXEMPT PROJECT, CLASS 1, EXISTING FACILITIES; TITLE 2, CALIFORNIA CODE OF REGULATIONS, SECTION 2905 (a)(2).

SIGNIFICANT LANDS INVENTORY FINDING:

FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED BY THE COMMISSION FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.

AUTHORIZATION:

AUTHORIZE ISSUANCE TO WETHERBEE LAKE RECLAMATION DISTRICT 2096 OF A GENERAL LEASE – PUBLIC AGENCY USE, BEGINNING AUGUST 1, 2006, FOR A TERM OF 15 YEARS, FOR THREE EXISTING SPEED CONTROL BUOYS AS SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF;

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CONSIDERATION BEING THE PUBLIC HEALTH AND SAFETY, WITH THE STATE RESERVING THE RIGHT AT ANY TIME TO SET A MONETARY RENT IF THE COMMISSION FINDS SUCH ACTION TO BE IN THE STATE'S BEST INTEREST.

NO SCALE

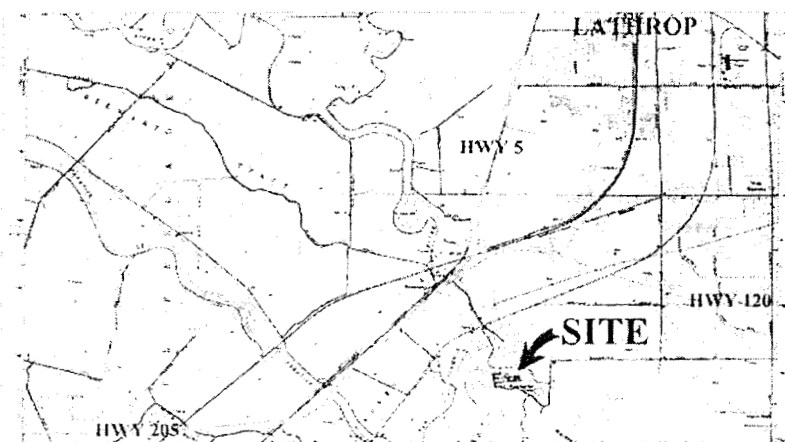
SITE



WALTHALL SLOUGH

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.

Exhibit A

PRC 5162.9
RECLAMATION DISTRICT 2096
GENERAL LEASE
PUBLIC AGENCY USE
SAN JOAQUIN COUNTY



MJE 7/2/06

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